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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 RICHARD A. HARVEY,

10 Plaintiff,

11 v.

12 MICHAEL J. ASTRUE,
13 Commissioner of Social
Security,

14 Defendant.

)
) No. CV-07-0131-AMJ

) ORDER GRANTING STIPULATION
) TO REMAND
)

15 The parties have filed a stipulation for remand of the above
16 captioned case to the Commissioner for further administrative
17 proceedings. (Ct. Rec. 25). The parties have filed a recent
18 consent to proceed before a magistrate judge. (Ct. Rec. 17).

19 After considering the stipulation, **IT IS ORDERED** that the
20 above-captioned case be remanded for a de novo hearing pursuant to
21 sentence four of 42 U.S.C. § 405(g). Upon remand, the
22 Administrative Law Judge ("ALJ") will: (1) obtain updated medical
23 records from Plaintiff's treating sources; (2) give further
24 consideration to Dr. Harris' opinion and provide clear and
25 convincing reasons for rejecting any opinions in accordance with
26 Social Security Ruling 96-2; (3) give further consideration to
27 Plaintiff's residual functional capacity; and (4) obtain medical
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1 expert evidence and vocational expert evidence if warranted. The
2 ALJ shall take any further action necessary to render a new
3 decision in this matter.

4 Accordingly, this court reverses the Commissioner's decision
5 under sentence four of 42 U.S.C. § 405(g) with a remand of the
6 cause to the Commissioner for further proceedings. *See, Melkonyan*
7 *v. Sullivan*, 501 U.S. 89 (1991).

8 **IT IS FURTHER ORDERED:**

9 1. The parties Stipulation to Remand (**Ct. Rec. 25**) is
10 **GRANTED.**

11 2. Judgment shall be entered for the **PLAINTIFF.**

12 3. An application for attorney fees may be filed by
13 separate motion.

14 4. The District Court Executive is directed to enter this
15 Order, forward copies to counsel, and thereafter shall **close** this
16 file.

17 **IT IS SO ORDERED.**

18 **DATED** this 15th day of November, 2007.

19
20 S/Larry M. Boyle

21 THE HONORABLE LARRY M. BOYLE
22 UNITED STATES MAGISTRATE JUDGE
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